

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

THOMAS ROGER WHITE, JR. et al.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS  
AMERICA, INC.,

Defendant.

Civil Action No. 17-1775 (MCA) (JSA)

**ORDER**

**THIS MATTER** having come before the Court on January 12, 2024, for a Telephonic Status Conference and to address outstanding discovery issues set forth in the parties' joint submission dated November 27, 2023 (ECF No. 258), and the Court having discussed the status of the case with the parties; and having carefully considered the parties' joint submission; and for the reasons set forth on the record, which are incorporated herein at length; and for good cause shown;

**IT IS on this 12<sup>th</sup> day of January 2024,**

**ORDERED THAT:**

1. As to the real-time data flow issue identified in the parties' November 27<sup>th</sup> submission and the Court's September 15, 2023 Order (ECF No. 241 at para. 3), Defendant shall determine and advise Plaintiffs whether it owns the "samsungacr.com" domain name. The parties also shall meet and confer on whether Defendant intends to supplement its prior data flow production and if so, the timing of any such production. On or before **January 22, 2024**, the parties shall submit a joint status letter, regarding same.
2. Defendant shall continue to work with Samsung Electronics Co., Ltd. in an effort to collect and produce any additional responsive information regarding the unanalyzed data exemplar identified in the November 27<sup>th</sup> submission and then advise Plaintiffs about such efforts by **January 30, 2024**. To the extent this issue remains unresolved, the parties shall submit a status letter **on or before February 7, 2024**.

3. Plaintiffs' request for discovery related to the pending motion to intervene (ECF No. 257) shall be held in abeyance pending the outcome of the motion.
4. As to proposed ESI search terms for Defendant's custodians Messrs. Abuali and Chung, the parties shall again meet and confer **on or January 19, 2024** in an attempt to reach agreement on the proposed ESI search terms consistent with what was discussed on the record during the January 12<sup>th</sup> Conference. The parties shall address the outcome of these renewed meet and confer efforts in their joint letter due on or before **January 22, 2024**.
5. The parties shall meet and confer to resolve any disputes over Defendant's objections to topics listed in Plaintiffs' Rule 30(b)(6) deposition notice and include the outcome of their meet and confer in their joint letter due on or before **January 22, 2024**.
6. Based on Plaintiffs' withdrawal of their objection on the record during the January 12<sup>th</sup> Conference, the inspection of Plaintiff White's Samsung Smart TV located in Miami, Florida shall proceed on or before **January 19, 2024**. The inspection of Plaintiff White's other Samsung Smart TV located in Louisville, Kentucky shall proceed on or before **February 29, 2024**.
7. Based on the representations of Plaintiffs' counsel on the record during the January 12<sup>th</sup> Conference, Plaintiff Patricia Cauley shall file the appropriate notice **on or before January 19, 2024**, confirming her withdrawal from the case as a named class representative.
8. A Telephone Status Conference is scheduled for **March 18, 2024, at 1:00 p.m.** The Court will provide the parties with the conference call information in advance. A joint status letter is due **on or before March 12, 2024**.
9. If the Court remains unsatisfied from its review of the anticipated January 22<sup>nd</sup> letter that the parties have not adequately met and conferred, the Court will require all counsel to appear in the Courtroom of the Undersigned on a date to be determined, where counsel will be required to meet and confer beginning at 10:00 a.m. until all remaining disputes have been completely resolved.
10. All other deadlines and requirements ordered by this Court's prior Pretrial Scheduling Order(s) on May 8, 2023 (ECF No. 223) and July 25, 2023 (ECF No. 233) shall remain in effect.
11. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(f) and 37.**

s/Jessica S. Allen

**Hon. Jessica S. Allen**  
**United States Magistrate Judge**

cc: Hon. Madeline Cox Arleo, U.S.D.J.